

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 3:93-CR-28-1H

UNITED STATES OF AMERICA,

v.

KENNETH KUBINSKI,

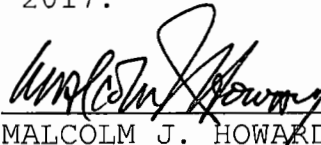
Defendant.

ORDER

This matter is before the court on defendant's motion pursuant to Rule 36 of the Federal Rules of Criminal Procedure. Defendant's motion seeks, more than twenty years after the entry of judgment in his case, for the court to amend the factual findings of his presentence report.

Rule 36 of the Federal Rules of Criminal Procedure provides, in pertinent part, that "the court may at any time correct a clerical error in the judgment, order or other part of the record, or correct an error in the record arising from oversight or omission." Fed. R. Crim. P. 36. Defendant's claims are not properly brought under Rule 36; therefore, they are not properly before the court. Defendant's motion is DENIED.

This 21<sup>st</sup> day of August, 2017.

  
MALCOLM J. HOWARD

Senior United States District Judge